

IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF TENNESSEE, NASHVILLE DIVISION

FILED
U.S. DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE

FEB 27 2002

BY RS
DEPUTY CLERK

PERRY A. MARCH, in his capacity
as the father of SAMPSON LEO MARCH
and TZIPORA JOSETTE MARCH,
both minor children,

Petitioner,

v.

LAWRENCE E. LEVINE and
CAROLYN R. LEVINE

Respondents.

Civil No.: 3:00-0736

Judge Trauger
Magistrate Griffin

**MOTION OF RESPONDENTS FOR EXTENSION OF TIME
TO FILE RESPONSE TO PETITIONER'S REQUEST FOR
ATTORNEYS' FEES**

Come now the Respondents, Lawrence E. Levine and Carolyn R. Levine, and request an additional one-week extension of time (or until March 8, 2002) to file a response to the Petitioner's request for attorneys' fees in this matter. In support of their request, the Respondents rely upon the Affidavit of Cindy Alexander, legal secretary to C.J. Gideon, which is attached as Exhibit 1, and the Respondent's previous request for extension of time, which is filed as Exhibit 2.

As set forth in the attached Affidavit, Mr. Gideon, counsel for the Levines, has been in trial in Smith County, Tennessee in the matter of Kelli Lynn Harper and Joseph Stephen Harper, Jr., surviving children of Joseph Stephen Harper, deceased vs. SCMHC Corporation d/b/a Smith County Memorial Hospital, et al.,

ORDER
Motion is GRANTED. *Extension to March 8, 2002*
Aleta A. Trauger
U.S. District Judge

This document was entered on
the docket in compliance with
Rule 58 and / or Rule 79 (a).

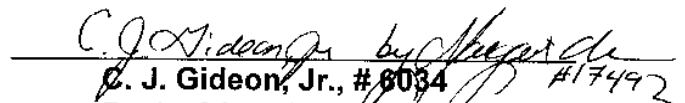
FRCP, on 2/28/02 By RS

169
166

Docket No.4314. The trial was expected to be concluded on Monday February 25, 2002. However, the trial has not yet concluded, and Mr. Gideon continues to be trial in Smith County as of February 27, 2002. The Respondents previous request for extension of time also sets forth the time constraints faced by Mr. Gideon. As a result of Mr. Gideon's continued presence at trial in Smith County, the Respondents request an extension of time until March 8, 2002 to file a response to the Petitioner's request for attorneys' fees. The Respondents respectfully submit that the Petitioner would not be prejudiced by an additional one week extension of time.

Respectfully submitted,

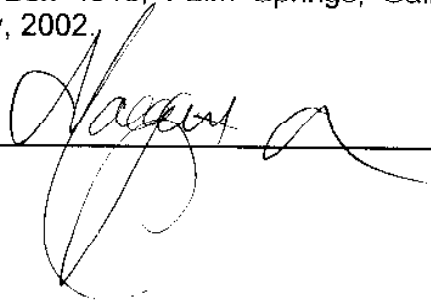
GIDEON & WISEMAN


C. J. Gideon, Jr., # 6034 #17492
Bank of America Plaza, Suite 1900
414 Union Street
Nashville, Tennessee 37219-1782
(615) 254-0400

Attorney for the Respondents

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing document has been furnished to the following by facsimile transmission and by U.S. mail, first class postage pre-paid to John E. Herbison, 2016 Eighth Avenue South, Nashville, Tennessee 37204; Robert S. Catz, P.O. Box 4913, Palm Springs, California 92263-4193 on this the 27th day of February, 2002.

A handwritten signature in cursive script, appearing to read "Robert S. Catz", is written over a horizontal line.

FILED
U.S. DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FEB 27 2002
BY _____
DEPUTY CLERK

EXHIBIT 1

IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF TENNESSEE, NASHVILLE DIVISION

FILED
U.S. DISTRICT COURT
MIDDLE DISTRICT OF TENN.

FEB 27 2002

RS
DEPUTY CLERK

PERRY A. MARCH, in his capacity
as the father of SAMPSON LEO MARCH
and TZIPORA JOSETTE MARCH,
both minor children,

Petitioner,

v.

LAWRENCE E. LEVINE and
CAROLYN R. LEVINE

Respondents.

Civil No.: 3:00-0736

Judge Trauger

Magistrate Griffin

AFFIDAVIT OF CINDY ALEXANDER

STATE OF TENNESSEE)

COUNTY OF DAVIDSON)

Affiant, Cindy Alexander, after being duly sworn, comes now and testifies
as follows:

1. I am over twenty-one (21) years of age, and I am competent to testify
as to the matters stated within this affidavit. I base my testimony on my personal
knowledge and experience.

2. I am the legal secretary for C.J. Gideon, Jr. Mr. Gideon is currently
in trial in Smith County, Tennessee in the matter of Harper vs. SCMH
Corporation d/b/a Smith County Memorial Hospital, et al., Docket No.4314.

167

Although Mr. Gideon expected the trial to be concluded by February 25, 2002, the trial has not concluded, and Mr. Gideon remains in trial as of today, Wednesday, February 27, 2002.

FURTHER AFFIANT SAITH NOT.

Cindy Alexander
CINDY ALEXANDER

Sworn to and subscribed before me this 27th day of February, 2002.

Jacqueline M. [Signature]
NOTARY PUBLIC

My Commission Expires:

1-29-05

FILED
U.S. DISTRICT COURT
MIDDLE DISTRICT OF TENN.

FEB 27 2002

DEPUTY CLERK

EXHIBIT 2

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

FILED
U.S. DISTRICT COURT
MIDDLE DISTRICT OF TENN
FEB 06 2002

PERRY A. MARCH, in his capacity
as the father of SAMPSON LEO MARCH
and TZIPORA JOSETTE MARCH,
both minor children,

Petitioner,

v.

LAWRENCE E. LEVINE and
CAROLYN R. LEVINE

Respondents.

BY _____
DEPUTY CLERK

Civil No.: 3:00-0736
Judge Trauger
Magistrate Griffin

MOTION FOR EXTENSION OF TIME

The respondents respectfully move the Court, pursuant to F. R.Civ.P. 54(d)(2)(C), to extend the time for filing of adversary submissions in response to the petitioner's Local Rule 13(e) motion for an award of fees.

The respondents move the Court for an extension of time until March 1, 2002 to file their responses to the pending motion for an award of fees.

The near term schedule of counsel for the respondents, summarized below, necessitates the motion for an extension of time:

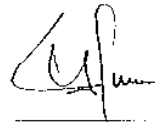
- Rule 26 disclosures in *Flynt v. Sunbridge Health Care Center* due February 7, 2002.
- Meeting with client in *Beeler v. Knoxville Infectious Disease Consultants, P.C.* (Knoxville) and deposition of economist Boehm in *Creager v. Oldfield* (Knoxville), February 11-12, 2002;

- Preparation for trial in *Harper v. Petty*, February 12-13, 2002;
- Meeting with client in *Davis v. Five Rivers Obstetrics & Gynecology* (Morristown), February 14, 2002.
- Oral argument, Tennessee Court of Appeals, *Levine v. March*, February 15, 2002;
- Trial of *Harper v. Petty*, February 18-25, 2002.

While counsel for the respondents will continue evaluating the petitioner's motion for fees and the supporting materials, additional time is required to complete that process, to obtain the consultation of others, and to prepare and submit the adversary submissions.

Respectfully submitted,

GIDEON & WISEMAN



C. J. Gideon, Jr., # 6034
414 Union Street
Bank of America Plaza, Suite 1900
Nashville, Tennessee 37219-1782
(615) 254-0400
Attorney for Respondents

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing document has been furnished to the following by U.S. mail, first class postage pre-paid to:

John E. Herbison, Esq.
2016 Eighth Avenue, South
Nashville, Tennessee 37204

Robert S. Catz, Esq.
P.O. Box 4913
Palm Springs, California 92263-4193

Gregory D. Smith, Esq.
Stites & Herbison
424 Church Street, Suite 1800
Nashville, Tennessee 37219

on this the 6th day of February, 2002.

